

Division of counties. Proviso: judge may appoint four terms for probate matters.

divided in the same manner as they are now divided for judicial purposes of the district court: *Provided*, That in such counties the circuit judge may appoint, in addition to the other terms of court to be held in his county, not to exceed four special terms of court at the regular county-seat for the hearing and disposing of probate matters only, if in his judgment [the] same shall be needed and required for the disposal of said business.

Taking effect. SEC. 2. This act shall take effect on the first Monday of January, A. D. 1869, except so much thereof as provides for fixing the terms for holding the circuit courts, which shall take effect as provided by section 25, of the Revision of 1860.

Approved April 7, 1868.

CHAPTER 124.

THE DUBUQUE AND SIOUX CITY LAND-GRANT.

APRIL 7. AN ACT to Legalize, Confirm, and Carry out a Contract between the Dubuque & Sioux City Railroad Company and the Iowa Falls & Sioux City Railroad Company, and to Extend the Time for completing said Railroad from Dubuque to Sioux City, to Grant certain Lands to the Dubuque, Bell[e]vue, and Sabula Railroad Company for the Building of the Tete Des Morts Branch, and for other Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That a contract entered into between the Dubuque and Sioux City Railroad Company of the first part, and the Iowa Falls and Sioux City Railroad Company of the second part, transferring so much of the Dubuque and Sioux City Railroad as remains to be constructed, together with the franchises, right of way, depot grounds, and other appurtenances of said road to be completed, also transferring all right and title of the said Dubuque and Sioux City Railroad Company to so much of the lands granted by Congress to aid in the construction of said road as shall appertain to, or be legally applicable to the construction of the uncompleted part of the Dubuque and Sioux City Railroad as aforesaid, except as to the lands hereinafter granted to the Dubuque, Bellevue and Sabula Railroad Company, be and is hereby legalized and confirmed.

Contract between D. & S. C. R. R. Co. and I. F. & S. C. R. R. Co., transferring rights, land-grant, &c., confirmed.

Exception: D., B. & S. R. R. Co.

SEC. 2. That the *pro rata* of six sections of land per mile, reserved by said contract to the Dubuque and Sioux City Railroad Company, and the *pro rata* of six sections per mile, conveyed by said contract to said Iowa Falls and Sioux City Railroad Company, shall be adjusted between said companies as follows, to-wit: The land actually conveyed to third parties shall be set apart to said Dubuque and Sioux City Company, not exceeding six sections per mile for the road now built, and if over that number of acres of land have been conveyed, the excess over that amount shall be taken off of the west end of the last installment of the lands so conveyed; and in case less than that amount of lands have been conveyed as aforesaid, then a sufficient amount shall be taken to make up such *pro rata* from that portion of the land-grant next adjoining and immediately west, as near as practicable, to the lands last conveyed by said Dubuque and Sioux City Railroad Company.

Adjustment of amount of lands conveyed to third parties.

SEC. 3. That a *pro rata* of six sections per mile of said land-grant be and the same is hereby granted to and conferred upon the Dubuque, Bellevue and Sabula Railroad Company, to aid in the construction of said road, known as the Tete Des Morts branch, required to be built by the act of Congress granting said lands to the State of Iowa: *Provided*, That said company shall not encumber or dispose of said lands until the said branch road shall be completed and open for business, and that said branch shall be completed within two years from the first day of January next. Said lands shall be of an average quality and value of so much of said lands granted by the United States as now remain undisposed of, and the Governor of Iowa shall select or cause to be selected, the land hereby granted to said Dubuque, Bellevue and Sabula Railroad Company, or cause the same to be reserved from lands outside of the six - mile limits of said grant, and upon completion of said branch, as above provided, he shall execute a patent for said lands to said company.

Grant to Dubuque, Bellevue & Sabula R. R. Co.

Proviso: not encumbered till completed Jan. 1, 1871.

Quality.

Governor to select.

SEC. 4. That so much of said land-grant as is applicable to the uncompleted portion of the road as aforesaid, west of Iowa Falls, excepting the lands hereby granted to said Dubuque, Bellevue & Sabula Railroad Company, is hereby granted to and conferred upon the said Iowa Falls & Sioux City Railroad Company, subject to the terms and conditions of the act of Congress granting the said lands, dated the fifteenth day of May, A. D. 1856, and the act amendatory thereto, and the

Grant to I. F. & S. C. R. R. Co.

act of Congress passed the present session; and also subject to the terms and conditions of this act as herein expressed as follows, to-wit: The road shall be completed as a first-class road from Iowa Falls on the route now surveyed, located, and partly graded, through Webster City and Fort Dodge, and the depot buildings shall be erected on the grounds heretofore donated by the people of said towns for that purpose, and shall be completed thence to Sioux City, which route shall be at all points within the limits of the said land-grant.

Conditions. The track of said road shall be laid with a good substantial rail, weighing not less than fifty-six pounds per lineal yard. The road shall be completed to Fort Dodge by the first day of July, 1869, the time now fixed by act of Congress; one-half of the balance to be within limits of grant before the first day of January, A. D. 1872; and said road, when any twenty miles shall be completed, shall be subject to the lease of the Illinois Central Railroad Company, transferred to the Iowa Falls & Sioux City, by the Dubuque & Sioux City Railroad Company, and shall be operated as one continuous and unbroken through line of railroad from Dubuque to Sioux City.

Route; Road to be at Fort Dodge, July, 1869; complet'd before 1872. Lease to Ill. Central. One through line.

SEC. 5. Said lands so granted as aforesaid, to the Iowa Falls & Sioux City Railroad Company, shall be patented by the Governor to said company as the same shall be earned by the building of said road, but no patent shall be issued by him for any portion of said lands until at least seventy-five miles of road shall be completed, and "no patent shall be made for any lands more than forty miles in advance of the point to which said road may be constructed from time to time," as provided by said act of Congress. No patent shall be made for any lands located within fifty miles of Sioux City, until said company shall have its entire road completed to Sioux City, except for such road as said company may cause to be built and operated from Sioux City eastward, and when said company shall have forty miles of road built and operated from Sioux City eastward, then this restriction shall cease, and such lands may be patented for any road built by said company; and no patent shall include lands situate in more than one county, and such patent shall be, by said company, recorded in the county where said lands lie, and a certified copy of the record of the same may be used as evidence with the same effect as the original. And in case any of said lands hereby granted are now, and were on the first day of January last, occupied by actual

Provisions to regulate the issue of patents;

for lands within fifty miles of Sioux City;

for lands in more than one county.

settlers residing thereon and improving the same, upon such settler making proof to the satisfaction of the Register of the State Land Office of such settlement and improvement, he shall be entitled to purchase not exceeding one-quarter section of land of the State at the rate of \$2.50 per acre, and when such land shall have been earned by the extension of said road, upon the payment to the said company of the said sum, the Governor shall execute a patent to such actual settler for said land. Settlers may purchase $\frac{1}{4}$ section.

SEC. 6. The legislature shall have the power to resume the lands not earned at the time of such resumption, on default of said company to build said road to Fort Dodge by the first day of July, 1869, or any portion of the road within the time limited herein, or in case they shall be satisfied that said company is not pushing forward the work on said road with reasonable diligence, so as to warrant the belief that the whole line will be completed to Sioux City by the first day of January, 1872. Right of resumption.

SEC. 7. The said Iowa Falls and Sioux City Railroad Company shall signify their acceptance of the terms and conditions of this act, by a written instrument, signed by the president of said company, to be filed with the Governor within thirty days after the passage of this act. The company accepting the provisions of this act shall, at all times, be subject to such rules, regulations, and rates of tariff for the transportation of freight and passengers as may from time to time be enacted by the General Assembly of the State of Iowa. Acceptance within thirty days.
 If the said Iowa Falls and Sioux City Railroad Company shall fail or refuse to accept of this grant upon the conditions hereby imposed and in the time and manner as herein required, the Census Board of this State is hereby authorized, by proper writing, with the seal of the State affixed thereto, to confer the same upon such party or company as shall, in their judgment, be competent to carry the enterprise hereinbefore provided for in good faith, and which shall accept the grant by a proper written instrument duly executed and attested, and shall file the same in the office of the Secretary of this State, subject to all the sections of this act, and the same shall be applicable to such grantee, subject to all the terms and conditions of this act as fully as if named originally herein. Co. to be subject to regulations, &c., by G. A.
If I. F. & S. C. R. R. Co. refuse to accept, Census Board to confer grant.

SEC. 8. Nothing in this act contained, shall be construed to affect in any way the titles, rights, or

Rights, &c., not affected.

interests of persons or corporations not expressly named in this act.

SEC. 9. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily Iowa State Register and daily Evening Statesman, newspapers published in Des Moines, Iowa.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 22, 1868, and in *The Iowa Evening Statesman* April 22, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 125.

NOTARIAL LEGALIZING ACTS OF THOMAS CAVANAGH.

APRIL 7. AN ACT to Legalize the Notarial Acts of Thomas Cavanagh, of Polk County.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the notarial acts of T. Cavanagh, Thomas Cavanagh, a notary public of Polk county, Iowa, done and certified between the eleventh day of July, 1866, and the seventh day of February, 1867, shall be and they are hereby ratified and made valid with the same force and effect as if his commission had continued in full force until the date last mentioned.

Approved April 7, 1868.

CHAPTER 126.

LEGALIZING NOTARIAL ACTS OF JOHN R. NISLY.

APRIL 7. AN ACT to Legalize the Official Acts of John R. Nisly, a Notary Public of Muscatine County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the official acts of John R. Nisly, R. Nisly, a notary public of Muscatine county, done and perform[ed] by him after the expiration of his commission, to wit: the eighteenth day of April, A. D. 1864, and from thence until the twelfth day of